UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,952	04/17/2001	Mehrban Jam	10005248-1	6956

7590   09/07/2004

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EXAMINER
EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2004*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 26* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 - 26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 11 June 2004, PROSECUTION IS HEREBY REOPENED. The rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. After an Appeal Conference, Conferees decided to withdraw the finality of the last Office Action and therefore, the finality of that action is withdrawn.

3. With respect to claims 1 – 26, detail action follows:

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 – 22, and 25 - 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 5,204,663 issued to Philip S. Lee (hereafter "Lee")

in view of U.S. Patent 6,057,764 issued to Melvin P. Williams (hereinafter

"Williams").

Regarding claims 1 and 13, Lee teaches a method for context-aware computer

management comprising:

assigning database information a plurality of clearance levels (see column 3, line

42 – column 4, line 3);

assigning each smart badge within a set of smart badges one of the clearance

levels (see column 2, lines 3 – 25);

identifying a lowest clearance level assigned to the smart badges within the

boundary (see column 5, lines 15 – 18); and

providing access to that sub-set of the database information having a clearance

level no higher than the lowest identified clearance level on a computer located with the

predefined physical boundary (see column 5, lines 1 – 67).

Lee does not explicitly teach wireless beacon.

Williams teaches using a wireless beacon to detect which smart badges are

located within a predefined physical boundary (see column 2, lines 25 – 34; Williams

uses "presence detector" as "wireless beacon").

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine teaching of Williams with the teaching of Lee to provide

an improved authorized use of a secure space while an alarm system is on, allowing

authorized users to freely move throughout the alarmed space, providing significantly

greater security than that which is available today for authorized persons while utilizing

secured space with the alarm system.

Regarding claims 2 and 14, Lee teaches defining those smart badges within the

boundary as a set of visible smart badges (see column 2, lines 3 – 10); and

updating the set of visible smart badges in response to a change in smart badge

visibility status (see column 2, lines 10 – 14).

Regarding claims 3 and 15, Lee teaches recalculating the lowest clearance level

in response to the change in smart badge visibility status (see column 5, lines 62 – 67).

Regarding claim 4, Lee teaches recording the smart badge visibility status of

each smart badge within an activity log (see column 2, lines 18 – 25).

Regarding claim 5, Lee teaches providing access to smart badge wearers

assigned to the smart badges (see column 2, lines 2 – 17).

Regarding claims 6 and 17, Lee teaches preventing access to the database

when the smart badge visibility status is set to invisible for a predetermined timeout (see

column 11, lines 22 – 43).

Regarding claim 7, Lee teaches writing data items to the smart badges (see column 6, lines 31 – 33).

Regarding claim 8, Lee teaches pre-reading the data item from the smart badge during idle periods (see column 11, lines 22 – 28).

Regarding claims 9 and 18, Williams teaches defining a badge removal confidence level indicating whether each smart badge has been continuously worn by corresponding assigned smart badge wearers (see column 6, lines 2 – 18).

Regarding claims 10 and 19, Lee teaches assigning an expiration period to each of the smart badges (see column 4, lines 4 – 15); and

de-authenticating and erasing all data stored on a smart badge whose expiration period has been exceeded (see column 4, lines 56 – 64).

Regarding claim 11, Lee teaches configuring the predetermined physical boundary by varying a sensitivity level of the wireless beacon (see column 5, line 62 – column 6, line 6).

Regarding claims 12 and 20, Lee teaches a method for context-aware computer management comprising:

assigning database information a plurality of clearance levels (see column 3, line

59 – column 4, line 3);

assigning each smart badge within a set of smart badges one of the clearance

levels (see column 2, lines 3 – 25);

identifying a lowest clearance level assigned to the smart badges within the

boundary (see column 2, lines 15 – 18);

providing access to that sub-set of the database information having a clearance

level no higher than the lowest identified clearance level on a computer located with the

predefined physical boundary (see column 5, lines 1 – 67);

defining those smart badges within the boundary as a set of visible smart badges

(see column 2, lines 3 – 10);

updating the set of visible smart badges in response to a change in smart badge

visibility status (see column 2, lines 10 – 14); and

recalculating the lowest clearance level in response to the change in smart

badge visibility status (see column 5, lines 62 – 67).

Lee does not explicitly teach wireless beacon.

Williams teaches using a wireless beacon to detect which smart badges are

located within a predefined physical boundary (see column 2, lines 25 – 34; Williams

uses "presence detector" as "wireless beacon").

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine teaching of Williams with the teaching of Lee to provide

an improved authorized use of a secure space while an alarm system is on, allowing

authorized users to freely move throughout the alarmed space, providing significantly

greater security than that which is available today for authorized persons while utilizing

secured space with the alarm system.

Regarding claim 16, Williams teaches providing access to the database

information to smart badge wearers assigned to the smart badges (see column 6, lines

2 – 9).

Regarding claim 21, Lee teaches a system for context-aware computer

management comprising:

a database, including information differentiated by a plurality of clearance levels

(see column 12, lines 21 – 28);

A system service module, coupled to the beacon, for identifying a lowest

clearance level assigned to the smart badges within the boundary (see column 2, lines

15 – 18); and

a software application, coupled to the service module and the database, for

providing access to that sub-set of the information within the database having a

clearance levels no higher than the lowest identified clearance level on the computer

(see column 5, lines 1 – 67).

Lee does not explicitly teach wireless beacon.

Williams teaches a first wireless beacon (see Fig.1 (14) and column 3, lines 3 –

4; Williams uses "motion detector" as "wireless beacon").

a set of smart badges, detected by the first beacon to be within a predefined

physical boundary, each badge assigned one of the clearance levels (see column 3,

lines 6 – 18);

a computer located within the boundary (see column 6, lines 2 – 7).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine teaching of Williams with the teaching of Lee to provide

an improved authorized use of a secure space while an alarm system is on, allowing

authorized users to freely move throughout the alarmed space, providing significantly

greater security than that which is available today for authorized persons while utilizing

secured space with the alarm system.

Regarding claim 22, Williams teaches a wide angle RF beacon (see column 3,

lines 43 – 48 and column 6, lines 18 – 22).

Regarding claim 25, Lee teaches defines those smart badges within the

boundary as a set of visible smart badges (see column 2, lines 3 – 10), and

recalculates the lowest clearance level in response to a change in a visibility

status (see column 5, lines 62 – 67).

Regarding claim 26, Lee teaches wherein the application logs smart badge

wearers assigned to visible smart badges onto a computer (see column 5, lines 55 –

60).

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Williams and further in view of U.S. Patent 6,624,739 issued to Anatoli Stobbe (hereinafter "Stobbe").

Regarding claim 23, Lee or Williams does not explicitly teach a second diffuse IR beacon, coupled to the service module, limited to detecting smart badges within a workroom.

Stobbe teaches a second diffuse IR beacon, coupled to the service module, limited to detecting smart badges within a workroom (see column 4, lines 60 – 67; Stobbe uses "reader 28" as "IR beacon").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Stobbe with the teaching of Lee and Williams an improvement is made to an access control system to the effect that additional monitoring of people-specific characteristics is enabled while maintaining storage, transmission and evaluation of authorization code assigned to the transponder (smart card).

Regarding claim 24, Stobbe teaches wherein the smart badges include: biometric sensors for detecting when a smart badge has been removed from an assigned smart badge wearer (see column 5, lines 45 – 65).
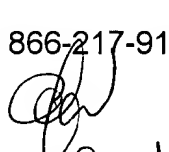
Conclusion

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-

8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya
Examiner
Art Unit 2172
September 3, 2004